



520.34851CC4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Y. OHGOSHI, et al
Serial No.: 10/786,092
Filed: February 26, 2003
For: CODE DIVISION MULTIPLE ACCESS MOBILE
COMMUNICATION SYSTEM
Group: 2611
Examiner: K. Tran

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 19, 2007

Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 1-9 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 520.34851CC4) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Carl I. Brundidge
Registration No. 29,621
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

CIB/jdc
703/684-1120



PTO/SB/26 (09/-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

520.34851CC4

In re Application of: **Yasuo OHGOSHI, et al**Application No.: **10/786,092**Filed: **February 26, 2004**For: **CODE DIVISION MULTIPLE ACCESS MOBILE COMMUNICATION SYSTEM**

The owner, **HITACHI, LTD. (As per the Assignment recorded on Reel 8228 and Frame 0416)** of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. **6,721,296 and 6,456,609** as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is issued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29,621

Signature

July 19, 2007

Date

Carl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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